

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: LOCKHART CHEMICAL COMPANY,

Bankruptcy No.: 22-22005-CMB

Debtor,

Chapter 7

NATALIE LUTZ CARDIELLO,
CHAPTER 7 TRUSTEE FOR LOCKHART
CHEMICAL COMPANY,

Related to: Document No. 100

Movant,

v.

NO RESPONDENT.

ORDER EMPLOYING PROFESSIONAL NUNC PRO TUNC

AND NOW, this 20th day of March, 2023, upon consideration of the Application for Approval of Professional, it is **ORDERED, ADJUDGED** and **DECREED** as follows:

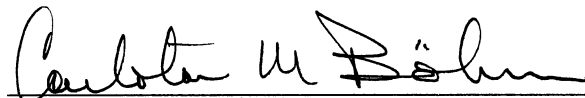
(1) NTH Consultants, Ltd., with an office address of 41780 Six Mile Rd., Suite 200, Northville, MI 48168, is hereby appointed, as of the date of the filing of the Bankruptcy Case, as Professional for the Estate/Trustee pursuant to the terms (including compensation terms) described in the Motion for the limited purpose of acting as the Environmental Consultant in connection with the interest of the Estate/Trustee. The consulting services to be provided to the Estate/Trustee include, but are not limited to, the following: (a) support for activities associated with operations of the Debtor related to compliance with environmental regulations; (b) providing coordination and advise concerning environmental testing, reporting and engineering requirements related to restoration and maintenance of the Debtor's sanitary discharge permit and off-site water disposal; (c) providing environmental services associated with the sale and disposal of existing waste materials; (d) providing services to assist and monitoring of storage tanks during materials transfer, as needed/requested by Estate/Trustee; (e) providing advice regarding compliance with both state and federal environmental statutes, regulations, ordinances and orders; (f) providing advice, management and coordination associated with stormwater management and air monitoring report; (g) providing advice and participating in discussions with both state and federal regulators concerning environmental matters; and (h) preparing and submitting management plans to state and federal environmental agencies to assist the Debtor with materials management during operations, and assisting the Debtor with compliance of pertinent environmental regulations during the pendency of this Case.

(2) Professional persons or entities performing services in the above case are advised that approval of fees for professional services will be based not only on the amount involved and the results accomplished, but other factors as well including: the time and labor reasonably required by counsel, the novelty and difficulty of the issues presented, the skill requisite to perform the legal service properly, the preclusion of other employment due to acceptance of this case, the customary fee, whether the fee is fixed or contingent, the time limitations imposed by the client or the circumstances, the experience, reputation and ability of the attorneys involved, the undesirability of the case, the nature and length of the professional relationship with the client, and, awards in similar cases.

(3) Approval of any motion for ~~appointment of counsel~~ in which certain hourly rates/compensation terms are stated for various professionals is not an agreement by the Court to allow fees at the requested hourly rates or compensation terms and is not a preapproval of compensation pursuant to 11 U.S.C. §328(a). Final compensation, awarded only after notice and hearing, may be more or less than the requested hourly rates/compensation terms based on application of the above-mentioned factors in granting approval by Court Order. **Any retainer paid to the Professional is unaffected by this Order and remains property of the Estate until further order of Court.**

(4) Notwithstanding anything to the contrary in the letter of engagement or agreement between Movant and the Professional, this Order does not authorize the Professional to retain or pay any outside counsel or other professional to assist the Professional in this matter unless such is done at no expense to Movant, directly or indirectly. Any other retention of and payment to an outside counsel or other professional is subject to prior approval of the Court.

By the Court:



Carlota Böhm, Judge
United States Bankruptcy Court

FILED
3/20/23 3:02 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA